IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLIATION NO.30 OF 2005

IN

CRIMINAL APPLICATION NO.52 OF 2004

Rajendra Shrinath Pandey ...Applicant

Versus

The State of Maharashtra & Anr. ...Respondents

.....

Mr.Chandrakant Talekar for Applicant.

Mr.K.V.Saste, A.P.P. for Respondent No.1.

Mr.N.K.Malwankar for Respondent No.2.

.....

CORAM: A.M.KHANWILKAR, J.

MARCH 28, 2005.

P.C.

1. Heard Counsel for the parties.

2. From the record, it appears that Applicant had not appeared before the Appellate Court on two different occasions, which impelled the Appellate Court to reject the Appeal by order dated 23rd

September 2004.

3. In my opinion, there can be no reason to find fault with the approach of the Appellate Court. However, with a view to give one opportunity to the Applicant, for the reason stated for non-appearance, the Revision Applicaiton is disposed of by requiring the Applicant to deposit sum of Rs.1,35,000/- (Rupees One Lakh Thirty-five Thousand) before the Appellate Court within four weeks from today.

4. If the aforesaid amount is deposited by the Applicant before the Appellate Court within the specified time as aforesaid, the Appeal filed by the Applicant, which has been dismissed by order dated 23rd September 2004 will get revived, to be decided on its own merits, in accordance with law.

5. Indeed, the amount so deposited by the Applicant will be subject to such other or further orders to be passed by the Appellate Court in the Criminal Appeal, which will be restored to its file, as a consequence of the present order.

6. All questions on merits are left open, to be decided by the Appellate Court.

7. Order passed by the lower Court shall not be given effect to, for a period of four weeks from today.

8. Application disposed of on the above terms.

A.M.KHANWILKAR, J.